

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL T. ELGIE,

Plaintiff,

v.

BIC USA, INC., *et al.*,

Defendants.

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CIVIL ACTION NO. 09-0375-KD-N

ORDER

After due and proper consideration of all pleadings in this file and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 and dated October 7, 2009 is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that the Plaintiff's Motion to Remand is **GRANTED** and that this action is **REMANDED** to the Circuit Court of Baldwin County, Alabama.

DONE and ORDERED this the **23rd** day of **October 2009**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE